

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 604

December 14, 1995, 2:02 p.m.
Page S-18595 Temp. Record

INTERIOR APPROPRIATIONS CONFERENCE/Passage

SUBJECT: Conference report to accompany the Department of the Interior and Related Agencies Appropriations Bill for fiscal year 1996 . . . H.R. 1977. Agreeing to the conference report.

ACTION: CONFERENCE REPORT AGREED TO, 58-40

SYNOPSIS: The conference report to accompany H.R. 1977, the Department of the Interior and Related Agencies Appropriations Bill for fiscal year 1996, will provide \$12.165 billion in new budget authority, which is \$1.65 billion less than the Administration requested, and \$1.354 billion less than the fiscal year (FY) 1995 level. Details are provided below.

- Department of the Interior: \$6.023 billion, including: \$1.05 billion for the Bureau of Land Management, \$1.571 billion for the Bureau of Indian Affairs, \$1.319 billion for the National Park Service, and \$64 million for the Bureau of Mines (which will be terminated);

- Forest Service, \$2.17 billion;
- Fossil Energy Research and Development, \$417.2 million;
- Indian Health Service, \$1.987 billion;
- National Endowment for the Arts, \$99.5 million; and
- National Endowment for the Humanities, \$110 million.

Miscellaneous:

- the FY 1994 moratorium on offshore oil and gas leasing on most areas of the Outer Continental Shelf will be extended (a \$200 million settlement for the ban on drilling on leases off southwest Florida and the North Aleutian Basin was recently announced);
- new listings under the Endangered Species Act will be prohibited until the earlier of September 30, 1996, or the date the Act is reauthorized;
- penalties will be increased for "tree spiking" (driving metal or ceramic spikes into timber; environmentalists spike trees so that sawyers' chainsaws or mills' bandsaws will hit them and break apart, injuring and killing the sawyers and millworkers);
- no funds from this Act will be obligated or expended to accept or process applications for patents for any mining or mill site

(See other side)

| YEAS (58) | | | NAYS (40) | | | NOT VOTING (1) | |
|----------------------------|-------------------------|----------|--------------------------|--------------------------|---------------|---------------------|------------------|
| Republicans (49 or 94%) | Democrats (9 or 20%) | | Republicans (3 or 6%) | Democrats (37 or 80%) | | Republicans (1) | Democrats (0) |
| Abraham | Helms | Byrd | Brown | Akaka | Harkin | Gramm- ² | |
| Ashcroft | Hutchison | Ford | McCain | Baucus | Kennedy | | |
| Bennett | Inhofe | Heflin | Snowe | Biden | Kerrey | | |
| Bond | Jeffords | Hollings | | Bingaman | Kerry | | |
| Burns | Kassebaum | Inouye | | Boxer | Kohl | | |
| Campbell | Kempthorne | Johnston | | Bradley | Lautenberg | | |
| Chafee | Kyl | Moynihan | | Breaux | Leahy | | |
| Coats | Lott | Pell | | Bryan | Levin | | |
| Cochran | Lugar | Reid | | Bumpers | Lieberman | | |
| Cohen | Mack | | | Conrad | Mikulski | | |
| Coverdell | McConnell | | | Daschle | Moseley-Braun | | |
| Craig | Murkowski | | | Dodd | Murray | | |
| D'Amato | Nickles | | | Dorgan | Nunn | | |
| DeWine | Pressler | | | Exon | Pryor | | |
| Dole | Roth | | | Feingold | Robb | | |
| Domenici | Santorum | | | Feinstein | Rockefeller | | |
| Faircloth | Shelby | | | Glenn | Sarbanes | | |
| Frist | Simpson | | | Graham | Simon | | |
| Gorton | Smith | | | | Wellstone | | |
| Grams | Specter | | | | | | |
| Grassley | Stevens | | | | | | |
| Gregg | Thomas | | | | | | |
| Hatch | Thompson | | | | | | |
| Hatfield | Thurmond | | | | | | |
| | Warner | | | | | | |

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

claims located under the general mining laws; patent applicants will have the authority to hire third-party mineral examiners to perform the examinations the Interior Department is required to perform but which it has been lax in performing; for existing mining patent applications, the Secretary of Interior will be required to submit within 3 months a plan to make final determinations within the next 5 years on at least 90 percent of them (for related debate, see vote Nos. 372-373);

- the moratorium on the implementation of rangeland grazing regulations developed by the Clinton Administration will be extended until November 21, 1995;
- the growth and activities of the Columbia River Basin eco-region management project will be limited;
- redefinition of the marbled murrelet nesting area or modification to the protocol for surveying marbled murrelets will be prohibited;
- no funds from this Act made available to the National Endowment of the Arts will be used to promote, disseminate, sponsor, or produce materials or performances which denigrate the objects or beliefs of the adherents of a particular religion or that depict or describe, in a patently offensive way, sexual or excretory activities or organs, regardless of the content or viewpoint of the material or performance;
- the Tongass Land Management Plan will remain in effect through fiscal year 1997, without any reduction in the number of suitable available or suitable scheduled acres or the allowable sale quantity; 3 changes are made in the report to meet administration concerns: sufficiency language is removed, revision and amendment of the forest service plan will be allowed to continue; and a permanent ban will not be placed on the development of wildlife habitat conservation areas in the Tongass;
- the Mohave National Preserve will be managed by the Bureau of Land Management, though funds will be provided to the National Park Service for planning purposes for the preserve; and
- funds will only be used for the AmeriCorps program if funding is provided in the VA-HUD Appropriations Bill for that program.

Those favoring passage contended:

The Interior appropriations bill is extremely complex. It provides funding for 40 agencies with very diverse programs. This year, in order to meet budget targets, funding for those agencies had to be cut by an average of 10 percent. To protect funding for higher priority programs such as the programs serving Indians, cuts of much greater than 10 percent had to be made in programs of lesser priority. To arrive at this conference report, conferees resolved approximately 900 items in disagreement, plus they worked with the Administration to make the bill acceptable to the President.

When the bill passed the Senate it had the support of 92 Senators, with 6 voting against. Now, though, a majority of Senate Democrats have indicated that they are going to vote against the bill. One might naturally assume that they have changed their minds on the conference report because its provisions are more objectionable to them than the provisions that were in the original bill. However, this assumption would immediately be called into question if one looked at the details of the conference report, because on nearly all of the points on which the Democrats have complained the conference report is much closer to their position than was the Senate-passed bill. For instance, the senior Senator from Arkansas has given us a lengthy and energetic speech on hardrock mining, urging us to vote against this bill due to the provisions on that subject in the conference report. This speech is very surprising, given the fact that this report places a moratorium on all new patents. The only patents that this report will let be issued are patents on claims that have already been filed. This permission is hardly a concession, considering that the holders of those claims have a constitutionally protected right to have their patent applications fairly considered. The Senate-passed bill, on the other hand, would have allowed new patents. The Senator from Arkansas voted for that bill, which was farther away from his policy preferences, but this report, which is much closer to his stated views, he opposes.

The Administration has indicated that it opposes this report for a number of reasons, and may therefore veto it. It is unfortunate that the Administration would take this stance, after conferees very closely consulted with Administration officials and reached compromise agreements with them in order to meet their concerns. Conferees thought that they had crafted a bill which was acceptable, but then heard that the Vice President in particular opposed it. Apparently the Vice President is in sympathy with radical environmentalists who are eager to scuttle this bill. One of the major reasons that environmentalists want the President to veto this bill is because of its language on timber harvesting in the Alaskan Tongass forest. Their opposition to this harvesting as a destruction of the Alaskan environment is extremism at its worst. Conferees made three major modifications to this language at the Administration's behest, but now it is objecting to the compromise language. To put this issue in perspective, if Alaska were the size of a desktop, the Tongass would be the size of a Post-it note, and the amount of timber harvested would be the size of a pinhead on that note. The logging that will be allowed by this conference report will not destroy Alaska's environment, but it will preserve many small towns in Alaska. We urge the Administration to show a little balance--the environment in Alaska is important, but the Alaskan people deserve a little consideration too.

Frankly, when considering only the merits of the language on the Tongass, on mining, on the Endangered Species Act, and on most of the other provisions in this conference report that are suddenly so objectionable to Senators who voted in favor of the Senate-passed bill, those Senators' opposition is illogical. However, if one considers politics, their opposition may make sense. Most

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of the Senators who have switched their rhetoric on this bill are Democrats. Those Senators may wish to support the leader of their party, President Clinton, by voting against this bill. A strong vote against this bill will strengthen his veto threat by making it clear that it will not be overridden. The appearance is that many Democrats are voting against this bill not on principle, but on party loyalty.

We urge them to reconsider. This report is not written as it would have been if it had been written entirely by the Democratic caucus, but it also is not written as Republicans would have written it if they alone had a say over its contents. Instead, it fairly compromises between the parties. On that basis, we urge Senators to vote for this conference report, and we urge the President to sign it.

Those opposing passage contended:

Argument 1:

This conference report contains several objectionable features. First, it will allow environmentally damaging and unsustainable timber harvesting in the Tongass National Forest in Alaska, which is the last intact rainforest in North America. Second, it will continue to allow Federal land with billions of dollars in precious minerals to be given away for \$2.50 an acre to huge, multinational mining corporations. Third, it will place a moratorium on additions to the Endangered Species Act, which will almost certainly result in some species becoming extinct. Once a species is extinct, it cannot be brought back. Fourth, it will fail to provide enough funding for Indian programs. Fifth, we believe this conference report will provide too little funding for the arts. Sixth, it will not provide the National Park Service with any funds to manage the Mohave National Preserve. Instead, it will turn management back over to the Bureau of Land Management, in violation of the California Desert Protection Act that Congress passed last year. Seventh, it will make environmentally damaging changes to the authorizing language for the Columbia Basin ecosystem project. This litany covers only some of our concerns. This conference report is totally unacceptable. We will vote against it, and if the President vetoes it, as he should, we will vote to sustain his veto.

Argument 2:

We voted against this bill when it passed the Senate because it did not have enough funding for Indian programs. For the same reason we will vote against the conference report. We recognize that Indian programs fared better than other programs funded under this bill, but they still deserve higher funding. For us, the highest priority programs in this bill are for Indians. We think other programs should have been cut even further in order to make more money available to provide services to Indians.